Response

The claims were amended in accordance with the amendments above. The amendments to the claims are being made to focus the claims on those aspects of the invention which are a commercial priority of the assignee. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

In the Office Action dated 08/11/2005, claims 1-5 and 10-12 were rejected under 35 U.S.C. §102(e) as being anticipated by Curry et al. (US 6,233,234). Applicants note that, under MPEP 2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. In addition, the elements in the prior art reference must be arranged as required by the claim. MPEP 2131. For at least the reasons set forth below, Applicants respectfully submit that Curry et al. fails to anticipate present claims 1-5 and 10-12 in accordance with MPEP 2131.

With respect to present independent claim 1, Applicant notes that the claim recites a system for call processing, comprising a telephone call receiving switch, an IVR unit, a server computer, a network structure, and a port sharing data interface processing program. The telephone call receiving switch is configured to receive incoming calls, and to detect and pass out of band call destination information comprising Dialed Number Identification Service (DNIS) information associated with an incoming call prior to answering the incoming call. The IVR unit is adapted to perform an audio script. The IVR unit is in electronic communication with said telephone call receiving switch. The IVR unit has a plurality of ports. The IVR unit is configured to provide a plurality of applications at each port of the plurality of ports. The IVR unit is further configured to answer the incoming call at any available port of the plurality of ports. The IVR unit is configured to receive the out-of-band call destination information before answering the incoming call. The server computer is in electronic communication with said telephone call receiving switch for receiving the out-of-band call destination information from the telephone call receiving switch. The server computer is further in electronic communication

with said IVR unit. The server computer is configured to forward the out-of-band call destination information to the IVR unit before the incoming call is answered at a first port of the plurality of ports of the IVR unit. The network structure is in electronic communication with said telephone call receiving switch, said IVR unit, and said server computer. The network structure provides communication between the telephone call receiving switch and the server computer, between the telephone call receiving switch and the IVR unit, and between the server computer and the IVR unit. The port sharing data interface processing (DIP) program is in operation with said IVR unit. The DIP program is adapted to enable said script to be performed on multiple ports of said IVR unit. The IVR unit is configured to select an application from the plurality of applications to provide on the first port of the plurality of ports in accordance with the DIP program prior to answering the incoming call at the first port of the plurality of ports. The application is selected in accordance with the out-of-band call destination information received by the IVR unit. Applicants submit that Curry et al. fails to teach each and every one of these elements and limitations, in as complete detail as is contained in the claim. Furthermore, even if Curry et al. taught all of the elements, which it does not, Curry et al. fails to teach the elements in the particular arrangement required by the claim. Therefore, Applicants respectfully submit that Curry et al. fails to anticipate present claim 1 in accordance with MPEP 2131.

Similarly, Applicants note that present independent claim 5 recites a system comprising a plurality of telephone call receiving switches, a plurality of multiple port IVR units, at least one server, a network structure, and a port sharing data interface program. Each telephone call receiving switch of the plurality of telephone call receiving switches is configured to detect and pass out of band call destination information comprising Dialed Number Identification Service (DNIS) information associated with an incoming call prior to answering the incoming call. The plurality of multiple port IVR units are adapted to play a plurality of scripts at each port of the multiple ports. The IVR units are in electronic communication with said plurality of telephone call receiving switches. Each IVR unit of the plurality of IVR units is configured to answer an incoming call at any available port of the respective multiple ports. Each IVR unit of the plurality of IVR units is also configured to receive out-of-band call destination information before answering an incoming call. The at least one server computer is in electronic

communication with said plurality of telephone call receiving switches for receiving the out-of-band call destination information from the plurality of telephone call receiving switches. The at least one server is further in electronic communication with said plurality of IVR units. The at least one server is configured to associate one of said plurality of scripts to the out-of-band call destination information. The network structure facilitates electronic communication between said plurality of IVR units and said plurality of telephone call receiving switches, between said plurality of IVR units and said at least one server, and between said plurality of telephone call receiving switches and said at least one server. The port sharing data interface processing program is in operation with the plurality of IVR units, whereby each port of each IVR unit is monitored to determine its availability to receive a call, to request call destination information from said server via said network structure, and to play the one of said plurality of scripts associated with the out-of-band call destination information by the at least one server to a caller. Applicants submit that Curry et al. fails to teach each and every one of these elements and limitations, in as complete detail as is contained in the claim. Furthermore, even if Curry et al. taught all of the elements, which it does not, Curry et al. fails to teach the elements in the particular arrangement required by the claim. Therefore, Applicants respectfully submit that Curry et al. fails to anticipate present claim 5 in accordance with MPEP 2131.

With respect to present independent claim 10, Applicants note that the claim recites a system for call processing, comprising a telephone call receiving switch, a table, a server apparatus, and an IVR unit. The telephone call receiving switch has a plurality of channels. The telephone call receiving switch is configured to detect call destination information comprising Dialed Number Identification Service (DNIS) information associated with an incoming call. The telephone call receiving switch is further configured to assign the incoming call to a selected one of the plurality of channels. The telephone call receiving switch is further configured to pass the call destination information out of band to the selected channel. The telephone call receiving switch is further configured to answer the incoming call. The table contains a plurality of call destination records associated with a plurality of applications. Each call destination record of the plurality of call destination records is associated with at least one corresponding application of the plurality of applications. The server apparatus is in data communication with said table and

said telephone call receiving switch. The server apparatus is configured to receive the call destination information out of band. The server apparatus is configured to identify an associated application from the plurality of applications with reference to the table and to a call identifier to the incoming call in response to receiving the call destination information. The IVR unit includes a port in telephony communication with the selected channel of the telephone call receiving switch. The IVR unit is further in data communication with the server apparatus. The IVR includes a port sharing data interface processing program responsive to the detected call destination information and incoming call reaching said port to access said associated program to perform on the selected port. The IVR unit is further configured to access said associated program before the call arrives at said port. Applicants submit that Curry et al. fails to teach each and every one of these elements and limitations, in as complete detail as is contained in the claim. Furthermore, even if Curry et al. taught all of the elements, which it does not, Curry et al. fails to teach the elements in the particular arrangement required by the claim. Therefore, Applicants respectfully submit that Curry et al. fails to anticipate present claim 10 in accordance with MPEP 2131.

Claims 6-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Curry et al. in view of Katz (US 5,553,120). Applicants note that under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the prior art reference or combination of references must teach or suggest all of the limitations of a claim. A *prima facie* case of obviousness also requires that there be some teaching, suggestion, or motivation to modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP 2143.01. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP 2143.01. For at least the reasons set forth below, Applicants respectfully submit that the combination of Curry et al. and Katz fails to render present claims 6-9 obvious.

With respect to present independent claim 6, Applicants note that the claim recites a method of handling a plurality of telephone calls received at a private branch switch (PBX) to

efficiently use a plurality of ports of an interactive voice response (IVR) unit to provide a selected one of a plurality of applications. The method comprises, in response to receiving a call at the PBX, passing call destination information comprising Dialed Number Identification Service (DNIS) information associated with the call out of band to the IVR unit before the call arrives at a port of said IVR unit, wherein the IVR unit is in communication with the PBX. The method further comprises identifying an application from the plurality of applications. The act of identifying comprises associating the call destination information with the identified application. The IVR unit is configured to provide each of the plurality of applications at any port of the plurality of ports. The method further comprises selecting a port of the IVR unit for receiving the call. The port is selected irrespective of the call destination information. The method further comprises assigning the call to the selected port of the IVR unit. The method further comprises receiving the call at the selected port of the IVR unit after the IVR unit has received the out of band call destination information and after the application associated with the out of band call destination information has been identified. The method further comprises, in response to receiving the call at the IVR unit, executing the identified application at the selected port. Applicants submit that the combined art of record fails to teach or suggest all of these limitations in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit that the combined art of record fails to render present claim 6 obvious in accordance with MPEP 2143.

Similarly, present independent claim 7 recites a method of handling a plurality of telephone calls received at a private branch switch (PBX) to efficiently use a plurality of ports of an interactive voice response (IVR) unit to provide a selected one of a plurality of applications. The method comprises, in response to receiving a call at the PBX, detecting information associated with the call. The information associated with the call comprises Dialed Number Identification Service (DNIS) and Automatic Number Identification (ANI) associated with the call. The method further comprises passing the DNIS and ANI out of band to the IVR unit before the call arrives at a port of said IVR unit. The IVR unit is in communication with the PBX. The method further comprises identifying an application associated with the DNIS and the ANI. The act of identifying is performed before ringing associated with the call is detected by

the IVR unit. The method further comprises selecting a port of the IVR unit for receiving the call. The port is selected irrespective of the DNIS or ANI. The method further comprises assigning the call to the selected port of the IVR unit. The method further comprises, in response to receiving the call at the IVR unit, executing the application at the selected port. Applicants submit that the combined art of record fails to teach or suggest all of these limitations in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit that the combined art of record fails to render present claim 7 obvious in accordance with MPEP 2143.

With respect to present independent claim 8, Applicants note that the claim recites a method of handling a plurality of telephone calls received at a private branch switch (PBX) to efficiently use a plurality of ports of an interactive voice response (IVR) unit to provide a selected one of a plurality of applications. The method comprises, in response to receiving a call at the PBX, passing call destination information comprising Dialed Number Identification Service (DNIS) information associated with the call to the IVR unit before the call arrives at a port of said IVR. The method further comprises associating each of a plurality of call destinations with a corresponding application of the plurality of applications. The IVR unit is configured to provide each application of the plurality of applications at any available port of the IVR unit. The method further comprises storing the associations between each of the plurality of call destinations and each corresponding application of a plurality of applications. The method further comprises, in response to receiving the call destination information at the IVR unit, looking up the call destination of the call received at the PBX in the stored associations. The method further comprises identifying an application associated with the received call destination information in accordance with the stored associations. The method further comprises assigning the call to a selected one of the plurality of ports of the IVR unit, wherein the port is selected irrespective of the call destination. The method further comprises receiving the call at the selected port of the IVR unit. The method further comprises, in response to receiving the call at the IVR unit, executing the application at the selected port. Applicants submit that the combined art of record fails to teach or suggest all of these limitations in accordance with MPEP 2143.03. Accordingly, Applicants respectfully submit that the combined art of record fails to render present claim 8 obvious in accordance with MPEP 2143.

Furthermore, even if the combined art of record taught or suggested all of the elements of any of the amended independent claims, the art is devoid of any suggestion or motivation to modify or combine the teachings of the references in order to obtain the claimed invention. Indeed, MPEP 2143.01 admonishes that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." (emphasis in original). *Actual evidence* of a suggestion, teaching or motivation to combine prior art references must be shown. *In re Dembiczak*, 50 USPQ2d 1614 (Fed.Cir. 1999). Broad *conclusory statements* regarding the teaching of references, standing alone, simply *are not evidence. Id.* In short, the Office Action fails to provide the requisite *evidence* in the prior art suggesting the desirability of the combinations claimed herein, but instead relies solely on conclusory statements and impermissible hindsight reconstruction. Because the motivation required by MPEP 2143.01 is lacking, Applicants respectfully request that the rejections be withdrawn.

While several distinctions have been noted over the art of record, Applicant notes that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. Applicant expressly reserves all rights and arguments with respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserve all rights and arguments. Applicant further notes that the dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for novelty and non-obviousness.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicants respectfully request reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or arguments made herein, Applicants invite the Examiner to contact the undersigned at (513)369-4811 or via e-mail at aulmer@fbtlaw.com.

Respectfully Submitted,

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